

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

RODERICK CLARK MILLER

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07cv541LG-JMR

HARRISON COUNTY, MISSISSIPPI, by and through
its Board of Supervisors, HARRISON COUNTY
SHERIFF DEPARTMENT, SHERIFF GEORGE
PAYNE, officially and in his individual capacity,
DIRECTOR OF CORRECTIONS MAJOR DIANNE
GATSON-RILEY, officially and in her individual
capacity, BOOKING SUPERVISOR CAPTAIN RICK
GASTON, officially and in his individual capacity,
TRAINING DIRECTOR CAPTAIN PHIL TAYLOR,
officially and in his individual capacity, CENTRAL
CONTROL OFFICER PRESTON WILLS, officially
and in his individual capacity, BOOKING ROOM DEPUTY
JERRED MARK NECAISE, officially and in his individual
capacity, BOOKING ROOM DEPUTY CATHERINE
PAVOLINI, officially and in her individual capacity,
AMERICAN CORRECTIONAL ASSOCIATION, and
OTHER UNKNOWN JOHN and JANE DOES A-Z, also in
their official and individual capacities

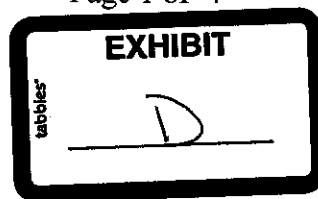
DEFENDANTS

STATE OF MISSISSIPPI

COUNTY OF HARRISON

AFFIDAVIT OF CATHERINE PAVOLINI

PERSONALLY CAME AND APPEARED BEFORE ME the undersigned authority in
and for the County and State aforesaid, the within named, CATHERINE PAVOLINI, who,
after first being duly sworn by me on her oath, did depose and state the following:



1. My name is CATHERINE PAVOLINI and I have personal knowledge of the matters and facts contained in this Affidavit and I am competent to testify to the matters stated herein.
2. On April 17, 2004, I was employed as a Corrections Officer (Badge #283) for the Harrison County Sheriff's Department at the Harrison County Adult Detention Center.
3. As a former corrections officer at the Harrison County Sheriff's Office, I have first hand knowledge of the policies and procedures that were in place at the Harrison County Sheriff's Office. My actions toward Plaintiff, Roderick Miller, during his incarceration at the Harrison County Adult Detention Center, and specifically on or about April 17, 2004, were in accordance with these policies and procedures. At all times, I acted in a professional manner and conducted all interaction with the Plaintiff in accordance with the professional standards for inmate management and supervision as established by the Harrison County Adult Detention Center Policy and Procedure Directive.
4. I have reviewed the Complaint filed by Roderick Miller in this proceeding and would state that at no time did I use excessive force on Roderick Miller during his incarceration at the Harrison County Adult Detention Center.
5. On April 17, 2004, I went to holding cell #5 in the Booking area to assist Deputy Jerred Necaise (Badge #221) with a disorderly inmate (later identified as Roderick Miller).
6. I stood in the doorway to holding cell #5 while Deputy Necaise entered the cell. I observed Deputy Necaise advise Miller to back up several times, but Miller refused to back up and instead kept advancing toward Deputy Necaise.

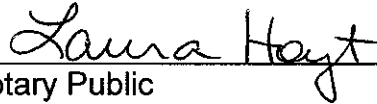
7. I then observed Deputy Necaise utilize a defensive strike to Miller's chest, causing Miller to fall onto the bench located in the cell. Miller then tried to grab Deputy Necaise and Necaise took Miller to the floor.
8. I then observed Deputy Necaise restrain Miller on the floor and advise him several times to quit resisting. Miller kicked and screamed and tried to pull away from Deputy Necaise. Miller then stopped resisting and Deputy Necaise left the cell.
9. At no time did any of the officers apply excessive force in restraining Miller. The amount of force utilized was necessary to restore order and security at the jail and to otherwise control Miller. No officer hit, kicked, or otherwise assaulted Miller.
10. As a result of this incident, I prepared a written report detailing the event which took place on April 17, 2004, a copy of this report is attached hereto as **Exhibit "1"**. This document is one typically prepared in the course of my duties as a corrections officer at the Harrison County Adult Detention Center and was prepared near or at the time of the incident, and it fairly and accurately represents the incident which took place.

I certify the above declaration is true and correct under penalty of perjury.



Affiant/Catherine Pavolini
Harrison County, Mississippi

Sworn to and subscribed before me on this the 3 day of July, 2008.



Notary Public

My Commission Expires:

10-19-09

(SEAL)



HARRISON COUNTY SHERIFF'S DEPARTMENT

GEORGE PAYNE, SHERIFF

<input type="checkbox"/> Juvenile Involved	Harrison County Sheriff's Office NARRATIVE FORM		Case #
<input checked="" type="checkbox"/> Original Report	Incident/Crime: Disorderly Inmate	Date of This Report April 18, 2004	Date of Original Report April 18, 2004
<input type="checkbox"/> Offense Supplement	Suspect / Victim Name: Miller, Roderick doc#257393		List Complaint Numbers of Connected Cases
<input type="checkbox"/> Custody Supplement			

On 04-17-2004 Deputy Catherine Pavolini # 280 went to holding cell five to assist Deputy Jerred Necaie # 221 with a disorderly inmate. Deputy Necaie entered the holding cell and Deputy Pavolini stood in the doorway. Deputy Necaie advised Inmate Miller to back up several times, but he refused and kept walking toward Deputy Necaie. Deputy Necaie then struck Inmate Miller in the chest area causing Inmate Miller to fall on the bench. Inmate Miller then tried to grab Deputy Necaie, and Deputy Necaie took Inmate Miller to the floor. Deputy Necaie held Inmate Miller on the floor and advised him several times to stop resisting. Inmate Miller kicked and screamed and tried to pull away from Deputy Necaie. Once Inmate Miller stopped resisting, Deputy Necaie exited the cell. End of narrative.

EXHIBIT

D-1

DISPOSITION

- A. Cleared Adult Arrest ☐
 B. Cleared Exceptional Adult ☐
 C. Cleared Juvenile Custody ☐
 D. Cleared Exceptional Juvenile ☐
 E. Unfounded ☐
 F. Other-Cleared Exceptional ☐
 G. Suspended Closed ☐

Reporting Officer: No: 280 Name: C. Pavolini	Division: Corrections	Reviewing Supervisor No: <u>10</u> Name: <u>DET ZORRIS</u>	Disposition Date <u>4/18/04</u>
---	--------------------------	---	------------------------------------

White = Records Canary = Agency Use Pink = Court/Detectives Gold = Shift Capt / Jail Page 01

Inmate Jacket #0029